

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America

v.

Ivan SOTELO-Rascon

Case No. 25-215 MJ

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

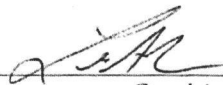
On or about the date(s) of 02/12/2025 in the county of Dona Ana in the
District of New Mexico, the defendant(s) violated:

Code Section
18 U.S.C. 2252A

Offense Description
Possession of Child Pornography

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.



Complainant's signature

Lee Rivas, Special Agent

Printed name and title

MA PHONE

Sworn to before me and signed in my presence.

Date: 02/14/2025



Judge's signature

City and state: El Paso, Texas

Gregory Fouratt, U.S. Magistrate Judge

Printed name and title

Affidavit

On February 12, 2025, Ivan SOTELO-Rascon attempted entry into the United States through the Santa Teresa, NM (STN) port of entry (POE). SOTELO-Rascon was referred to secondary inspection. At secondary inspection, SOTELO-Rascon provided Customs and Border Protection Officers (CBPOs) consent to search his Apple cell phone and provided the CBPOs with the pin.

During the search of SOTELO-Rascon's cell phone, CBPO's found multiple photographs and videos appearing to be Child Sexual Abuse Material (CSAM). CBPOs contacted Homeland Security Investigations (HSI) and advised them of their findings.

HSI Special Agent (SA) Rivas and HSI SA Avalos arrived at the STN POE and were briefed on the incident by CBPOs. CBPOs advised SOTELO-Rascon's cell phone was placed on airplane mode. SA's then observed the photographs and videos stored on SOTELO-Rascon's Apple cell phone and within chats in the WhatsApp messaging application.

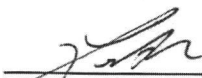
SA's preliminary review determined the cell phone contained CSAM. One of the files is a video depicting a nude pre-pubescent male child laying face up. An adult female then gets on top of the child which results in the child's penis penetrating the adult female's vagina. The female then places the child's penis in her mouth. Another video file depicts a nude pre-pubescent female child kneeling while utilizing a prosthetic penis (also known as "dildo") to penetrate herself.

HSI SA Rivas advised SOTELO-Rascon of his Miranda Warnings in the Spanish language which was witnessed by SA Avalos. SOTELO-Rascon acknowledged he understood his rights and was willing to speak to the SAs without having an attorney present. SA's proceeded to interview SOTELO-Rascon. The following is a summary of some of the statements made by SOTELO-Rascon.

- SOTELO-Rascon identified the Apple cell phone as belonging to him.
- SOTELO-Rascon admitted to being part of a Discord application chat where child pornography was received.
- SOTELO-Rascon admitted to downloading the videos saved on his Apple cell phone and acknowledged they were videos containing CSAM.

Because this Affidavit is being submitted for the limited purpose of establishing probable cause as set forth herein, I have not included each and every fact known to me concerning this investigation.

Respectfully submitted,



Lee Rivas

Special Agent

Homeland Security Investigations

SWORN AND SUBSCRIBED TO BEFORE ME

THIS 14th DAY OF FEBRUARY 2024.

A handwritten signature in black ink, appearing to read 'G. Fouratt', is written over a horizontal line.

Gregory Fouratt

U.S. Magistrate Judge